

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard Bussiere et al.  
Serial No.: 10/713,560  
Filed: November 14, 2003  
For: DISTRIBUTED INTRUSION RESPONSE SYSTEM  
Assignee: Enterasys Networks, Inc.  
Examiner: Christopher J. Brown  
Art Unit: 2134 Confirmation No. 8242

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND DECLARATION OF MARK TOWNSEND PURSUANT TO 37 CFR § 1.131**

Dear Sir:

In support of my claim of prior invention of the invention described in the referenced application in view of the Sung et al. reference cited in the June 29, 2007, office action, I hereby declare as follows:

1. My name is Mark Townsend. I am an applicant and co-inventor of the invention described and claimed in the referenced patent application.
2. I incorporate herein by reference the statements made in my Declaration signed October 25, 2007.
3. In response to the May 23, 2008, advisory action received in this application, I hereby state and acknowledge that the activities described in my October 25, 2007, Declaration relied upon to establish a date of prior invention of the invention described in the pending application were carried out in this country, the United States of America.
4. In my October 25, 2007, Declaration, I described activity beginning in January 2003 and running through early August 2003. In that declaration, I omitted reference to activity occurring in March 2003. However, I note that I and others working with me at my direction and request continued to work toward development of the invention during the period between February 28, 2003, and April 15, 2003. Specifically, Steve Pettit (a co-applicant) instructed Salo Fajer and Tom May to carry out particular coding actions that we believed would lead to development of the invention. Throughout March 2003, Steve Pettit communicated telephonically with either or

both of Messrs. Fajer and May and myself regarding the project. I have been unable to locate any specific written communications between us, but I believe that they may exist.

5. In addition, to co-inventor Mr. Pettit's activities, I note that I was also contemplating the features of the invention that would have to be implemented for a suitable solution to the identified problem described in the pending application. I note that one of those features was the identification of the source of an intrusion so that the focus of a response could be directed to a particular network entry device rather than the entire network, or at least a substantial portion of the network. I identified this issue in an email exchange with a co-employee, Scott Ostrenga, that occurred on March 3, 2003. A copy of at least a portion of that exchange accompanies this declaration as Exhibit X. While the language used in the attached communication is not identical to the text of the patent application, I recall that this intrusion source location identification was an aspect of the present invention that was under consideration in the discussions with the inventors and programmers in March 2003. Also, this feature is described at least in pending Claim 2 of the application.

6. While I remained committed during March 2003 to working toward development of the invention as noted by my exchange with Mr. Ostrenga and my exchanges with Steve Pettit regarding communications with Messrs. Fajer and May, at the same time my employer, Enterasys Networks, assignee of the invention, was in a time period critical to its ongoing existence. Specifically, in 2002, the company had gone through significant turmoil resulting from several accounting indiscretions. It was an imperative established by senior management that the company exhibit good sales activities in the first quarter of 2003 to persuade investors that the company was moving in a positive direction. I, as a sales engineering manager, along with most all other employees of the company, was directed to focus all of my efforts on generating sales, particularly as the first quarter drew to a close in March 2003. For that reason, all of my working time was spent on closing sales. I and my co-inventors were limited in our ability to work on the invention. Nevertheless, as I have stated, we were able to continue working on the invention, but at a reduced pace.

7. Upon information and belief, the invention described in the referenced application was conceived at least as of January 2, 2003, and diligently reduced to practice no later than August 6, 2003, with no lapse in activity throughout that period. All such activity occurred in the United States of America.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued.

By: 

Mark Townsend, Applicant

Date: June 9, 28

-----Original Message-----

From: upn-request  
Sent: Tuesday, March 04, 2003 12:01 PM  
To: Upn  
Subject: UPN digest, Vol 1 #418 - 2 msgs

Send UPN mailing list submissions to  
upn@enterasys.com

To subscribe or unsubscribe via the Intranet, visit  
<http://maillist/mailman/listinfo/upn>  
or, via email, send a message with subject or body 'help' to  
upn-request@enterasys.com

You can reach the person managing the list at  
upn-admin@enterasys.com

When replying, please edit your Subject line so it is more specific  
than "Re: Contents of UPN digest..."

Today's Topics:

1. Locating Users with Compass (Townsend, Mark)
2. RE: Locating Users with Compass (Connault, Jean-Fabien)

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Message: 1  
Date: Mon, 3 Mar 2003 16:38:45 -0500  
From: "Townsend, Mark" <markt@enterasys.com>  
To: "Upn" <upn@maillist.enterasys.com>  
Subject: [UPN] Locating Users with Compass  
Reply-To: upn@enterasys.com

Scott,

If the user authenticated you could read the credentials associated on  
the port. The only thing I believe you could learn of any value is the  
Host name of the system.

I believe without authentication you could log into the Novell Directory  
to reverse lookup the IP to the credentials (not Compass).

Good reason for them to consider 802.1x authentication.

>Mark

Mark D. Townsend  
Enterasys Networks  
978 684 1623

Today's Topics:

1. Locating Users with Compass (Ostrenga, Scott)

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Message: 1

Date: Mon, 3 Mar 2003 00:49:23 -0500  
From: "Ostrenga, Scott" <sostreng@enterasys.com>  
To: "netsight" <netsight@enterasys.com>  
Cc: "Upn" <upn@maillist.enterasys.com>  
Subject: [UPN] Locating Users with Compass  
Reply-To: upn@enterasys.com

Hi Tech Gurus,

I have a customer with a mix of products from 9000's to 6000's to VH's, E5's and E7's.

They use a combination of Win95, 98, NT, 2K and XP.

They use MS Clients on the 2K and XP machines and Novell's Client on 95, 98.

The users log in to a Novell Directory Services backend.

The customer's anti-virus software will email him with a user's computer name (useless) and IP address (useful but not specific enough) when it finds a virus on a PC. His challenge is to ID that user by user name, not just switch, switch port number, and MAC address.

The Question is "What behavior can I expect from Compass when doing a search on an IP address? Will I be able to identify the user by user name specifically? "

Best Regards,

Scott Ostrenga

List-Help: <mailto:switching-request@maillist.ctrn.com?subject=help>  
List-Post: <mailto:switching@maillist.ctrn.com>  
List-Subscribe: <http://maillist.ctrn.com/mailman/listinfo/switching>,  
<mailto:switching-request@maillist.ctrn.com?subject=subscribe>  
List-Id: <switching.maillist.ctrn.com>  
List-Unsubscribe:  
<http://maillist.ctrn.com/mailman/listinfo/switching>,  
<mailto:switching-request@maillist.ctrn.com?subject=unsubscribe>  
List-Archive: <http://maillist.ctrn.com/cgi-bin/swish-cgi.pl/>  
Switching mailing list  
Switching@enterasys.com <http://maillist/mailman/listinfo/switching>

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List-Help: <mailto:upn-request@maillist.ctrn.com?subject=help>  
List-Post: <mailto:upn@maillist.ctrn.com>  
List-Subscribe:  
<http://maillist/mailman/listinfo/upn>,<mailto:upn-request@maillist.ctrn.com?subject=subscribe>  
List-Id: <upn@enterasys.com>  
List-Unsubscribe: <http://maillist.ctrn.com/mailman/listinfo/upn>,  
<mailto:upn-request@maillist.ctrn.com?subject=unsubscribe>  
List-Archive: <http://maillist.ctrn.com/cgi-bin/swish-cgi.pl/>  
UPN mailing list  
UPN@enterasys.com  
<http://maillist/mailman/listinfo/upn>

End of UPN Digest

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Message: 2

Subject: RE: [UPN] Locating Users with Compass

Date: Tue, 4 Mar 2003 08:29:05 -0500

From: "Connault, Jean-Fabien" <Jean-Fabien.Connault@enterasys.com>

To: "Upn" <upn@maillist.enterasys.com>

Reply-To: upn@enterasys.com

Hi,

If we know about the IP, we can find the associated MAC (first step).  
Once we know the MAC, we can find the associated username (second step)  
when 802.1X is on.

So this would be a 2 steps process in Compass (2 searches).

With PWA, if we know about the IP, we can find directly the associated  
username.

So, here this is a 1 step process in Compass (1 search).

In a future rev of Compass we may implement dynamic IP to MAC  
resolution, meaning that if you search an IP, Compass will look for the  
IP in various tables, but will look for the resolved MAC too, so for  
example 802.1X username would show up directly (one step search) as we  
know the MAC. This would allow to locate IP addresses on switch ports,  
even if the switch doesn't support Node/Alias or something similar (at  
L3).

JEFF

-----Original Message-----

From: Townsend, Mark

Sent: lundi 3 mars 2003 22:39

To: Upn

Subject: [UPN] Locating Users with Compass

Scott,

If the user authenticated you could read the credentials associated on  
the port. The only thing I believe you could learn of any value is the  
Host name of the system.

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1. Locating Users with Compass (Ostrenga, Scott)

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To: "netsight" <netsight@enterasys.com>  
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Best Regards,

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List-Id: <switching.maillist.ctron.com>  
List-Unsubscribe: <http://maillist.ctron.com/mailman/listinfo/switching>, <mailto:switching-request@maillist.ctron.com?subject=unsubscribe>  
List-Archive: <http://maillist.ctron.com/cgi-bin/swish-cgi.pl/>  
Switching mailing list  
Switching@enterasys.com <http://maillist/mailman/listinfo/switching>

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List-Id: <upn@enterasys.com>  
List-Unsubscribe: <http://maillist.ctron.com/mailman/listinfo/upn>, <mailto:upn-request@maillist.ctron.com?subject=unsubscribe>  
List-Archive: <http://maillist.ctron.com/cgi-bin/swish-cgi.pl/>  
UPN mailing list

UPN@enterasys.com  
<http://maillist/mailman/listinfo/upn>

End of UPN Digest

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List-Id: <[upn@enterasys.com](mailto:upn@enterasys.com)>  
List-Unsubscribe: <<http://maillist.ctrn.com/mailman/listinfo/upn>>,  
<<mailto:upn-request@maillist.ctrn.com?subject=unsubscribe>>  
List-Archive: <<http://maillist.ctrn.com/cgi-bin/swish-cgi.pl>>  
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UPN@enterasys.com  
<http://maillist/mailman/listinfo/upn>

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List-Unsubscribe: <<http://maillist.ctrn.com/mailman/listinfo/upn>>,  
<<mailto:upn-request@maillist.ctrn.com?subject=unsubscribe>>  
List-Archive: <<http://maillist.ctrn.com/cgi-bin/swish-cgi.pl>>  
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UPN@enterasys.com  
<http://maillist/mailman/listinfo/upn>

End of UPN Digest